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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **KUN SHAN PENG,**

14 Petitioner,

15 v.

16 **JAMES TILTON, Director of the California**  
17 **Department of Corrections; BEN CURRY,**  
18 **Warden,**

19 Respondent.

C 07-4797 MMC (PR)

**APPLICATION FOR EXTENSION  
OF TIME TO FILE RESPONSE**

20 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day  
21 extension of time from today's date until September 7, 2008, in which to file a response to the  
22 petition for writ of habeas corpus. Good cause for the extension is set forth in the accompanying  
23 declaration of counsel. We have not attempted to contact petitioner, who is an incarcerated state  
24 prisoner representing himself in this case.

25 WHEREFORE, respondent respectfully requests that this Court grant an extension of time  
26 to and including September 7, 2008, in which to file the answer or other responsive pleading.  
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1 Dated: July 9, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
4 Attorney General of the State of California

5 DANE R. GILLETTE  
6 Chief Assistant Attorney General

7 GERALD A. ENGLER  
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11 /s/ Arthur P. Beever  
12 ARTHUR P. BEEVER  
13 Deputy Attorney General  
14 Attorneys for Respondent  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Kun Shan Peng v. James Tilton, Director of the California Department of Corrections; Ben Curry, Warden**

No.: **C 07-4797 MMC (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On July 9, 2008, I served the attached

**APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Kun Shan Peng  
H-52106  
San Quentin State Prison  
5N63L  
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 9, 2008, at San Francisco, California.

\_\_\_\_\_  
M. Argarin  
Declarant

\_\_\_\_\_  
/s/ M. Argarin  
Signature